

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of December 6, 2006. All of the Examiner's objections and rejections are responded to herein. Reexamination and reconsideration of the application is requested.

The Office Action

Claims 1 – 23 remain in the application.

Claims 6 and 8 stand objected to due to informalities.

Claim 22 stands objected to as being indefinite.

Claims 1-15, 17-20, 22-23 stand rejected under 35 U.S.C. 102(b) as being anticipated by US 6,192,805 to Saylor et al.

Claims 1-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 3,588,019 to Cozeck in view of US 6,192,805 to Saylor.

Objections to Claims 6, 8 and 22 Are No Longer Necessary

Claims 6 and 8 were objected to for including informalities. Specifically, claim 6 recited "one strap" whereas claim 2 recited "at least one strap". As such, claim 6 has been amended to refer to depend on claim 1 rather than claim 2. Claim 8 does not appear to include any informalities.

As to Claim 22, the objection for being indefinite is no longer appropriate since it has been amended to recite "a table, a desk, or a shelf" rather than "or the like."

Claims 1-15, 17-20, 22-23 Are Not Anticipated by US 6,192,805 to Saylor et al.

Applicants respectfully contend that Saylor does not anticipate Claim 1 because Saylor fails to teach one or more features of Claim 1. Original Claim 1 called for "a receptacle for electrical cable comprising a substantially rigid stand member carrying a flexible cable retaining member which is so formed as to resiliently retain the cable against the stand while allowing a flow of air past the cable." The Examiner asserts that limitation of a rigid stand member is taught by the table (11) of Saylor to which the bin (10) is attached. For one, the stand/table (11) of Saylor does not comprise part of the bin or

receptacle in which the cable is retained as required by Claim 1. Second, the cable (14) of Saylor is not shown as being retained against the stand/table (11) but is rather captured inside the bin (10). To further clarify this distinction, Claim 1 has been amended to recite that “the flexible cable retaining member is so formed as to resiliently retain the cable between the cable retaining member and the stand...” Even if the table (11) in Saylor were considered to be a substantially rigid stand member, and even if the storage bin (10) were considered to be a flexible cable retaining member, then Saylor (particularly in view of amended Claim 1) still does not disclose that the storage bin is formed so as to resiliently retain the cable (14) between the storage bin (10) and the table (11) while allowing a flow of air past the cable (14).

Even further still, Saylor does not teach retaining the electric cable (14) in such a fashion so as to allow “a flow of air past the cable.” In fact, the receptacle or bin (10) of Saylor is a substantially enclosed bin/box design. This closed design inhibits and prevents the flow of air past the cable.

For the reasons discussed above, Claim 1 as amended is not anticipated by Saylor and, as such, is now in condition for allowance. Furthermore, Claims 2-15, 17-20, and 22-23 are allowable by virtue of their dependency on Claim 1.

Claims 1-19 and 21 Are Not Obvious over US 3,588,019 to Cozeck in view of US 6,192,805 to Saylor et al.

As to Claim 1, there is clearly no motivation to modify the arrangement of Saylor so that the cable (14) could be resiliently retained between the table (11) and the storage bin(10). First, this would require that the elongate mounting bracket (61), which is disclosed as being “constructed of rigid light-weight material, for example, acrylic plastic” (see column 5, lines 1 and 2 of Saylor), be replaced with a resilient material. Second, it would also require there to be spacing between the storage bin (10)/mounting bracket (61) and the table (11), which would require significant structural modifications and would not allow the “touch and close fastening system” (col. 5, lines 16-33) to be implemented. Therefore, it would not be obvious to modify the storage bin (10) disclosed in Saylor to arrive at the invention as claimed in claim 1.

Furthermore, Applicant submits that Claim 1 as amended is allowable and not obvious for the reasons which follow. First, Cozeck and Saylor are not analogous art. These references belong to completely different technical fields. Cozeck relates to a box bracket for securing an electric outlet box to a metal stud and Saylor relates to a cable storage bin. As such, a person having ordinary skill in the art would not combine these references. Further still, there is no motivation to combine Cozeck with the teachings of Saylor. However, even if Saylor were considered, the person of ordinary skill would still not arrive at the claimed invention, since Saylor does not disclose or suggest resiliently retaining cable between the storage bin and a table/stand.

In addition, Claim 16 is not obvious because Cozeck fails to teach all of the limitations of Claim 16. For one, the clip or hook 12 cannot be said to be a cable trough. In fact, the hook 12 (Figure 1) of the bracket 22 of Cozeck is actually a clip for securely gripping a metal stud 19,21 as shown at numeral 23 in Figure 2 of Cozeck.

As to claim 21, the Examiner asserts that Figure 1 of Cozeck illustrates or discloses that the "rigid member is adapted to stand upright on a surface." Applicant respectfully points out that Figure 1 shows no surface in which the bracket is standing upright. In fact, Figure 2, illustrates a plan view of the bracket 22 as mounted in a vertical wall formed with metal studs. The bracket is not actually standing upright but rather projects horizontally rearward from a piece of wallboard 35 (Col. 2, lines 31-47).

For these reasons, Claim 1 -19 and 21 are not obvious over Cozeck in view of Saylor.

Lastly, new independent claim 24 and new independent claims 25-28 have been added to further distinguish over the cited references. In particular, claim 24 calls out a one piece construction of the stand member. This feature is supported in the detailed description in at least paragraphs 4 and 20 and the Figures 1-14. Independent claims 25-28 refer to features previously recited in the pending dependent claims and, as such, are supported by the specification.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1 - 28) are now in condition for allowance. It is submitted that the foregoing comments do not require unnecessary additional search or examination.

Payment is submitted for the extra claims added hereby. However, if other fees are due, the undersigned attorney of record hereby authorizes the charging of any necessary fees, other than the issue fee, to Deposit Account No. 06-0308.

In the event, the Examiner considers personal contact advantageous to the disposition of this case, he is encouraged to call the undersigned at the phone number listed.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP



Jay F. Moldovanyi

Reg. No. 29,678

1100 Superior Avenue, Seventh Floor

Cleveland, OH 44114-2579

216-861-5582


March 6, 2007

Date

CERTIFICATE OF MAILING OR TRANSMISSION

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Express Mail Label No.:	Signature 
Date March 6, 2007	Printed Name Kathleen A. Nimrichter

N:\BKYZ\200109\APT0000164V001.doc